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MALCOLM G. WILKINSON, M.D.

Board Case No. MD-02-0663A

(Letter of Reprimand)

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.
2. Respondent is the holder of License No. 21001 for the practice of allopathic medicine in the State of Arizona.
3. The Board initiated case number MD-02-0663A after receiving a complaint regarding Respondent's failure to communicate tests results to a 62 year-old male patient ("EW").
4. EW underwent an upper gastrointestinal series in June 2002 that showed a benign appearing prepyloric lesser curvature gastric ulcer. When EW first presented to Respondent in July 2002 he had stopped taking Vioxx, was taking Tagamet and his symptoms were improving. Respondent recommended an upper endoscopy to better

1 evaluate the ulcer discovered in June. The upper endoscopy was performed on August
2 15, 2002 and found small persistent ulcers in the antrum that were negative for cancer by
3 biopsy. A Clo test was negative for Helicobacter infection.

4 5. In his initial response to the Board Respondent stated that he
5 recommended that EW continue his present treatment pending the results of the
6 endoscopy and other tests and that he subsequently left a cell phone or home phone
7 message with the results of the tests and the recommendation that Respondent continue
8 taking Tagamet.

9 6. Respondent was asked to explain what new policies or procedures he had
10 instituted in his office to ensure that results are communicated to his patients.
11 Respondent stated that in the past year he obtained a new associate and his office staff
12 turned over completely. Respondent testified that his new office manager is meticulous
13 and has helped him develop new procedures and policies regarding patient
14 communication and follow-up. Respondent stated that there is a list of everyone who is
15 treated in the office, seen in the office or treated in the hospital and the specific directions
16 for each patient as to the appropriate follow-up.

17 7. Board Staff informed the Board that Respondent had failed to respond to
18 several requests that he provide a written statement outlining any changes he made to
19 his practice to avoid a similar problem, failed to respond to a subpoena instructing him to
20 appear for an investigational interview at the Board's offices, and failed to respond to a
21 follow-up call from Board Staff regarding his failure to appear for the investigational
22 interview.

23 8. Respondent testified that his responses to the Board's investigation were
24 lacking, but noted that there was some confusion on his part as to the request for an
25 investigational interview. Respondent noted that there were two complaints made to the

1 Board at approximately the same time and he entered a consent agreement regarding
2 one of those complaints. Respondent testified that he signed the consent agreement at
3 approximately the same time he received the request that he appear for an interview and
4 he mistakenly assumed the interview was for the case for which he signed the consent
5 agreement.

6 9. Respondent was asked to further explain his failure to respond to the Board
7 requests for information and an investigational interview. Respondent testified that he
8 thought the requests were mitigated by the consent agreement, but noted that such a
9 thought did not explain why he did not contact the Board or return calls from the Board's
10 investigators. Respondent noted that the negative effect of a previous Letter of
11 Reprimand on his practice may also have contributed to his anger at the Board and that
12 anger factored into his unresponsiveness to the Board's requests. In response to a query
13 from the Board Respondent clarified that his failure to respond to the Board was
14 intentional.

15 10. Board Staff noted for the Board that there may have been three to four
16 weeks from when the consent agreement was finalized to when the requests were made
17 of Respondent regarding the pending case. Also, Board Staff noted that each notice sent
18 to Respondent was clearly marked with the case number of the pending case.

19 **CONCLUSIONS OF LAW**

20 1. The Arizona Medical Board possesses jurisdiction over the subject matter
21 hereof and over Respondent.

22 2. The Board has received substantial evidence supporting the Findings of
23 Fact described above and said findings constitute unprofessional conduct or other
24 grounds for the Board to take disciplinary action.

3. The conduct and circumstances described above constitutes unprofessional conduct pursuant to A.R.S. § 32-1401(26)(dd) ("[f]ailing to furnish information in a timely manner to the board or the board's investigators or representatives if legally requested by the board.")

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED that Respondent is issued a Letter of Reprimand for repeatedly failing to cooperate with Board Staff in the process of investigating a complaint.

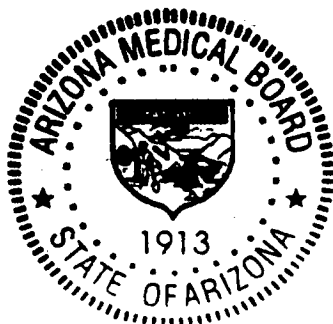
RIGHT TO PETITION FOR REHEARING OR REVIEW

Respondent is hereby notified that he has the right to petition for a rehearing or review. Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing or review must be filed with the Board's Executive Director within thirty (30) days after service of this Order and pursuant to A.A.C. R4-16-102, it must set forth legally sufficient reasons for granting a rehearing or review. Service of this order is effective five (5) days after date of mailing. If a motion for rehearing or review is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

Respondent is further notified that the filing of a motion for rehearing or review is required to preserve any rights of appeal to the Superior Court.

DATED this 15th day of APRIL, 2004.

THE ARIZONA MEDICAL BOARD



By Darryl A. Cassidy
BARRY A. CASSIDY, Ph.D., PA-C
Executive Director

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2 ORIGINAL of the foregoing filed this
3 16th day of April, 2004 with:

4 Arizona Medical Board
5 9545 East Doubletree Ranch Road
6 Scottsdale, Arizona 85258

7 Executed copy of the foregoing
8 mailed by U.S. Certified Mail this
9 16th day of April, 2004, to:

10 Malcolm G. Wilkinson, M.D.
11 Address of Record

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